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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/644,552 | 08/19/2003 | Sandra Leigh Hatfield | 51549.010601 | 6522 |
| 45599 | 7590 | 12/09/2004 | EXAMINER | |
| GREENBERG TRAUIG LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166 | | | PATEL, TAJASH D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3765 | |

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,552

Applicant(s)

HATFIELD ET AL.

Examiner

Tejash D Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dako (US 6,823,529) in view of West (US 5,530,966).

Dako discloses a body armor including a front ballistic section (3), a rear ballistic section (4) and a pair of flexible right and left shoulder straps (14a, 14b), which are conventionally sewn to the right and left shoulder section of the front and rear sections as shown in figures 3 and 4. Further, the shoulder straps includes hidden adjustability (15a, 15b) within the body armor as shown in figures 2 and 5. Also, stabilizer tab (29a, 29b) is attached to the body armor as shown in figure 6. Additionally, the front section includes a hidden zipper (19) through which a ballistic panel is inserted as shown in figure 6. However, Dako does not show the body armor having a stabilizer tab being directly sewn to the ballistic panel.

West discloses a body armor including a stabilizer tab (38), which is directly sewn by stitching (37) to the ballistic panel (22), col. 5, lines 44-67 and as shown in figure 2.

It would have been obvious to one skilled in the art at the time the invention was made to secured the tab of Dako directly to the ballistic panel as taught by West, so that the ballistic panel is attached in a fixed position relative to the body armor when the device is worn.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dako in view of West as applied to claim 1 above, and further in view of Sidebottom (US 6,185,738).

Dako does not show a slit at the bottom of the front section and a cummer band attached to the inside of the armor.

Sidebottom discloses a body armor having a slit (74) at the bottom of a front section which is closable by hook and loop material and has substantially no seams as shown in figure 4. Further, a waist cummer band (84) is attached to the inside of the armor as shown in figure 2.

It would have been obvious to provide the body armor of Dako when viewed with West having a slit at the bottom of the front section as an alternative but equivalent means of inserting a ballistic panel as known in the art. Furthermore, it is obvious that Dako when viewed with West can include a inner cummer band as taught by Sidebottom, so that load of the ballistic panel carried within the armor is easily distributed about the waist.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

December 2, 2004

A handwritten signature in black ink, appearing to read 'Tejash Patel', with a long horizontal line extending from the end of the signature.

TEJASH PATEL
PRIMARY EXAMINER